

**City of Maricopa**  
**Planning & Zoning: January 28, 2008**

<b>Regular Meeting Minutes</b>	
<b>Agenda Item</b>	Description/Action
<b>5:30 PM Call to Order</b>	A regular meeting of the City of Maricopa Planning and Zoning Commission was held at Global Water Facility (22590 N. Powers Parkway – Maricopa, AZ 85239). The meeting was called to order at 5:30 pm.
<b>Invocation</b>	Commissioner Jones delivered the invocation.
<b>Pledge of Allegiance</b>	Commissioner Houghton led meeting attendees in the Pledge of Allegiance.
<b>Roll Call</b>	Commissioners present were: Commission Chair Marquisha Griffin, Vice Chair Rich Reeves, Commissioners Tom Bradbury, Bruce Houghton, Dale Jones and Courtney Tyler. City Representatives present were: Planning Director Amy Haberbosch, Senior Planner Kazi Haque, Planner I Shena Rojemann, Planner's Assistant Rudy Lopez, City Attorney Tina Vannucci, Administrative Assistant Julia Gusse, Karen Thomas for GIS Services and Management Assistant Paul Jepson.
<b>Agenda Item 3.0: Call to the Public</b>	No one came forward during the Call to the Public.
<b>Approval of Minutes</b>	Commissioner Jones made a motion to approve Agenda Item 4.0, approval of January 14th, 2008 Planning and Zoning Commission Meeting Minutes. Commissioner Tyler seconded. Motion passed unanimously, 6-0.
<b>Public Hearing: 5.1 IUP07-02</b>	Chair Griffin called for anyone in the audience who would like to speak on this item. Commissioner Reeves recused himself from this discussion item and moved to the audience. No response from the audience.
<b>Agenda Item 6.1: IUP07-02</b>	<p>Senior Planner Kazi Haque presented the agenda item.</p> <p>Commissioner Reeves recused himself from this agenda item.</p> <p>Morrison-Maierle Inc. on behalf of Reliant Processing, Ltd has submitted Industrial Use Permit Case # IUP07-02 along with a Site Plan approval Case # SPR 07-11. The proposed Carbon Dioxide, CO-2, Processing Facility will occupy approximately 1.35 acres (displayed visual presentation) at the existing Ethanol Plant. The aerial shot</p>

displayed borders are White and Parker to the west, Maricopa/Casa Grande and the Rail Road runs to the North and Fuqua Road to the East. The slide showed a view of Ethanol Plant. Reliant Processing, Ltd is the company that will be working with the Ethanol plant. Using the Ethanol as a by-product to make CO-2, will be both medical grade as well as food grade. Visual overview of locations. When the City approved the original Ethanol plant in 2006 they had this in mind; that their by-product would be used but at that time, the Site Plan for the CO-2 was not approved, only the Ethanol Plant was approved. The Ethanol Plant, as an independent entity, was required to bring in a separate Industrial Use Permit as well as a Site Plan for it.

Commissioner Jones pointed out that the City Council recommended approval of this Industrial Use Permit in November 2005. Questioned as to why they (City Council) did not take action.

Senior Planner Kazi Haque indicated that they did approve it at that time.

Commissioner Jones questioned the reason for the permit coming to them (Planning & Zoning Commission) if Council approved it.

Senior Planner Kazi Haque pointed out that this approval was done.

Planning Director Amy Haberbosch clarified that the Industrial Use Permit is located on the same site as this request and it was already issued for the Ethanol Plant.

Commissioner Jones questioned the Eagle Shadow property that was re-zoned.

Senior Planner Kazi Haque indicated that zoning was involved because in Pinal County, in 1963, it was all zoned CI2 Industrial. Typically when you annex those properties into the City, which was done through the Eagle Shadow Ordinance and the Eagle Shadow approval, the City also had to zone it properly within the City limits before it does County zoning. On a visual map, he indicated the industrial and various zoning.

Commissioner Jones asked for a clarification (on the map) as to what was Eagle Shadow and questioned if it was in the General Plan as Industrial.

Senior Planner Kazi Haque indicated that it was (Industrial under the General Plan) and indicated that Council changed it to Residential through Ordinance 05-12 and 05-13.

Commissioner Jones posed the question as to what problems would come when it is developed Residential.

Senior Planner Kazi Haque indicated that this was presented within the staff report and that these similar issues were posed when the Ethanol Plant was approved. Indicated that they had to consider the noise, traffic and some of the conditions that were put in place.

Commissioner Griffin commented that those same stipulations were in the presented report and they would have to adhere to and go through the same process as that of the Ethanol Plant regarding noise, traffic, and how often the trucks would go by and things of that nature.

Commissioner Tyler requested a clarification of the distance between the Industrial and homes.

Senior Planner Kazi Haque indicated that some were close, less than 300'. When the Ethanol Plant came in, all the landowners that currently owned the land were notified that they were within 300' of the Industrial site. However this is only a zone, an overlay. The underlining zoning is still there and if this project does not go through then it can revert back to the old Industrial site. We have to consider that there is a zone in place which is an overlay of an MPD.

Commissioner Griffin asked if residents were notified.

Senior Planner Kazi Haque indicated that landowners were notified. Each parcel is not broken up as viewed on the map. There are 10 different landowners.

Commissioner Houghton questioned if the new homeowners would then have to be notified by the Developer.

Senior Planner Kazi Haque confirmed and indicated that the Developer would give notification and this would have to be clearly disclosed through the CCR's or some other instrument. People must be informed of potential impact of Industrial site and we put this as a stipulation in the staff report. As a brief history, the Ethanol Plant was approved in 2005 and the Site Plan was approved at Council in May 2006. The General plan, as showed earlier on a slide, shows that this is part of an Industrial employment site. Therefore the proposed use of a Carbon Dioxide Facility is consistent pursuant to what we need with the Ethanol Plant as per the review. This is the original Ethanol Plant that was approved with SPR 06-01. We went into details and talked about the health, safety and welfare of the people and how it impacts, not only the immediate residents but overall citizens of this City from noise, environment impacts and so forth. The City Council hired Consultants to review this and it took six to seven months before the site plan was approved. The entire site plan that was approved with the Ethanol Plant remains intact and they will not be changing. In case they do, they will go back and put it back the way the Council approved and the recommended approvals. This CO-2 Plant will be using egress, emergency access and all the right of ways and easements will have a separate document given to the CO-2 Plant. Because the CO-2 Plant does not own the land and they are just leasing it from the Ethanol Plant, which is ran by Pinal Energy LLC. One of the things that complicated this matter was that the original land of the entire 45 acres was Arizona Grains Incorporated and they are the parent company of Pinal Energy and the land. They came through the City in August of 2007 and went through a Minor Land Division. Once the land is deeded out, then Pinal Energy will have the ability to give cross access easement and other right of ways to the CO-2 Plant and staff will be reviewing those closely as we move forward with the CO-2 Plant. The CO-2 Plant has an economic impact in our City; they are going to bring 6 to 7 million dollars at the minimum added onto the Ethanol Plant. The Ethanol Plant at the current rate runs at about 120 million dollars for a project that size. This will add another 7 million into the economy and in staff's opinion; this is a positive growth to our City.

Commissioner Griffin questioned if there would be 16 new jobs and if those would be highly skilled positions.

Senior Planner Kazi Haque requested verification from a representative of the CO-2 Plant.

Mr. Ole Solberg indicated that there will be 16 new jobs and for the most part they are skilled positions.

Senior Planner Kazi Haque indicated that there is a requirement in place that Applicants hold neighborhood meetings regarding the impact of the CO-2 Plant and this report was done in the narrative Exhibit O, Tab 15. The Fire Department has seen this project and conferred with another Plant built in Windsor, Colorado. Displayed visuals of another Ethanol Plant co-existing and using the by-product to produce CO-2. Applicant submitted pictures for a visual understanding of how it would look while driving through Casa Grande Road. Visuals of the Windsor Plant Administrative Building, Processing Building, CO-2 Holding Plants with the Ethanol Plant in the background.

Commissioner Tyler questioned if the Fire Department would have more input on the matter.

Senior Planner Kazi Haque indicated that the Fire Department spoke with the Windsor, Colorado Plant. The issues are the same as for safety and fire codes. Fire Department, as per the staff report, submitted comments but at this time there are no issues. There are a few items they need to verify with the Applicant, as we move forward they will be able to mitigate those issues.

Commissioner Tyler questioned the use of Ammonia on the site.

Senior Planner Kazi Haque indicated that this was brought up with the Fire Department and the Applicant. The ammonia requires a secondary containment and spill prevention are norms with industrial standards; as long as those steps are taken and provided to the fire department. Until we issue a certificate of occupancy, they have until that time to mitigate and take care of those issues. The Fire Department indicated that it is not going to be a major issue for a Plant that size.

Commission Tyler questioned if Fire Department was equipped to handle an ammonia leak or CO-2.

City of Maricopa Fire Chief Mark Boys indicated that they have Hazardous Material Techs on board presently and as far as equipment, they would ask for assistance from Phoenix because they are within the Phoenix consortium and would have plenty of help in that event. Indicated that he has done much research and looked at this in a pessimistic viewpoint and felt comfortable with people at Reliance after speaking with Fire Department counterparts in Windsor, Colorado. Windsor's Fire Department is very comfortable with the operations in that area and has had a lengthy meeting with them. Asked them (Windsor FD) on the possibility of an ammonia leak and this is the main concern. Because of the secondary containment, felt comfortable at that point and they exceeded demands from a fire department standpoint and are willing to put in a tertiary means of containment if there would be a leak. The mechanics of the piping that goes into the approximately 7,200 lbs. of ammonia meet and exceed safety standards and felt it would be a very safe environment.

Commissioner Jones questioned if they (Ethanol Plant) have a Fire Department or Fire Chief on site.

Fire Chief Mark Boys indicated that the Plant did not have a Fire Department but that they would have an Emergency Action Plan/Committee in place. Discussed an early warning notification with the Ethanol plant and vice versa to have an early warning. Indicated that the location has people who are trained and know what to do to shut down and help contain it until the fire department arrive.

Commissioner Jones questioned if, in past discussions, they were to have a Fire Chief or a truck. Question was directed to Planning Director Amy Haberbosch.

Director Amy Haberbosch indicated that they discussed these options with the Ethanol Plant. The Fire Department came to a resolution that they accepted the plan as is. Planning asked for a resume of a staff person for the safety concerns.

Commissioner Jones questioned if it was a safety person rather than a fire department.

Director Amy Haberbosch agreed and mentioned that the

possibilities of a truck and staff was all a discussion.

Fire Chief Mark Boys indicated that the fire suppression system that the present Ethanol Plant has is quite remarkable. It would certainly keep it at bay until the Fire Department arrives and the Ethanol Plant has a 1.3 million gallon water source that the Reliance people will be able to tie into. Also asked for an agreement from the Ethanol Plant to make sure they have the water supply needed.

Senior Planner Kazi Haque indicated that the transportation and circulation posed a great challenge. Indicated that the staff has been working with various entities to make sure that they come up with an amicable solution to help the City as it moves forward with this growth. The traffic studies that were provided would need more work and a revision by the traffic engineer that was hired, originally by the Ethanol plant and then was also retained by the CO-2 Plant. The CO-2 Plant provided Exhibit F, an updated letter that addresses the traffic. The report compares traffic; Texas Plant had 12 truck loads per day, Windsor, Colorado has 8 trucks a day and Oklahoma has 9 trucks per day. Generally the traffic requirements for the City are based only if you generate over 100 trips a day; you will then require a traffic study. The Transportation Director, Mr. Brent Billingsly will look into this stipulation before issuing the final CFO. What we are doing here today, in the interest of time, is to allow the CO-2 to move forward because there are no major issues. There are some issues left to resolve but this is something that Staff feels confident that they will resolve before issuing the final CFO for them to operate. Under that premise, commended the applicant for their assistance and help they have provided.

Commissioner Houghton discussed the traffic study and questioned the impact of the 6-8 trucks a day coming from the north, 347 onto Maricopa Road. Given the traffic, railroad tracks and the ability for the trucks (vehicles displayed) to negotiate the tight left turn.

Senior Planner Kazi Haque indicated that the traffic engineer and transportation director are closely looking into not only the impact from the CO-2 Plant but as well as other projects. Plans for the signals and designs for the road infrastructure are in progress. The Maricopa/Casa Grande Road area is being considered in a broader context



as a global impact to the area. All is being discussed with the Applicant and working with the Developer on these issues along with County, State and ADOT.

Commissioner Houghton questioned wear and tear versus traffic operations. Indicated that he did not know how many of the larger vehicles in question make a left turn onto Casa Grande Road from 347 and had never seen a large truck like those pictured, make this turn. Questioned White and Parker and rail road tracks emergency route and access when 70+ trains cross through the area.

Senior Planner Kazi Haque indicated that there are plans in place and indicated that in the future on White and Parker there will be a police and fire station and not compromise safety but at this time there is none. Indicated that Staff is working diligently to answer these questions and will convey concerns to the Transportation Director.

Commissioner Griffin questioned if traffic study was waived.

Senior Planner Kazi Haque indicated that at this point nothing has been waived and currently requesting for the Commissions approval to move forward. The Plant is not going to get CFO until all issues are satisfied to the City standards for final CFO. Arizona Department of Environment Quality and Arizona Department of Water Sources cannot issue such permits unless steps are taken, if we stop them for a traffic study now, they will get bogged down and this would not be cost effective for them. Therefore we are working with them and have 35 stipulations in place and this will help negotiate some of these issues. Staff spoke with the Applicant this afternoon and they have no problems with any of the stipulations.

Commissioner Jones questioned if they (the Applicant) had any problems with anything in the report.

Senior Planner Kazi Haque indicated there were no problems as of that evening. Commended the applicant because they are leasing a project that is still in the process of entitlement. The Ethanol Plant does not have the deed and requested a letter indicating that by January 31st they would have the deed so that the Ethanol Plant has the authority to give CO-2 (the leaser) access easement to move



forward. Environment health and safety issues have always been a major concern for the residents and Staff is confident that the CO-2 Plant will comply with stipulations in the staff report. They will provide reports regarding air quality and every document that goes to other entities, Planning will get a copy to make sure that they are in compliance. Staff recommends that the Carbon Dioxide processing plant and production facility will not adversely affect the public health and safety and general welfare of the area and the facility will promote growth and development of the City. The staff recommends the approval of IUP07-02 and SRP07-11 subject to stipulations stated on the staff report.

Commissioner Jones commended Senior Planner Kazi Haque for a great report.

Commissioner Tyler questioned the by-products of CO-2.

Mr. Ole Solberg indicated that there is essentially none. The production of CO-2 produces 99.999% CO-2 for beverage companies; Coca-Cola and Pepsi products. Commissioner Tyler questioned the possibilities of an accident, its effects and how it would spread.

Mr. Ole Solberg explained the process and indicated that CO-2 is pressurized and produces  $\frac{1}{2}$  vapors and  $\frac{1}{2}$  solvent.

Commissioner Tyler questioned how it would affect the cattle.

Mr. Ole Solberg indicated that the emissions from the alcohol plant currently is not affecting the cattle.

Commissioner Tyler questioned the ammonia and how a leak would affect the area.

Mr. Ole Solberg indicated that in a worse case ammonia leak, the affected area would be 200 yards. It would have to be more substantial and indicated that there are other locations in the County that operate with a larger amount. Indicated that the Wal-mart distribution center refrigerate a large area and they have been approved under all fire & safety codes.

Commissioner Tyler questioned of how they would notify

people in a broader area.

Mr. Ole Solberg indicated that the landowners go further than 300' and other side of boundaries are much further.

Commissioner Jones requested for Senior Planner Kazi Haque to show 300' with visual presentation material.

Senior Planner Kazi Haque indicated the area on a visual map. Indicated that this information was advertised and distributed countywide in the Casa Grande Dispatch. Indicated that there was an earlier question posed as to why it was not in the (Maricopa) Monitor or Communicator. Per state statute requirements, the newspaper with the largest form of circulation must have this posting. Whenever a new project comes into the City, whether residential, industrial or commercial that has an impact. Development comes in with both social and environmental impact, they are required to put disclosure notice with the Department of Real Estate. This is one other way the systems in our society makes checks and balances.

Director of Planning Amy Haberbosch indicated that in addition, there is also a posting at the site.

Commissioner Houghton questioned how many homeowners fell within the 300'.

Director of Planning Amy Haberbosch indicated that there are no homeowners known in that area, only landowners.

Commissioner Houghton indicated that homeowner would not be there until developers develop the land. It will be "buyer beware" when people go to buy a home in this area.

Commissioner Griffin indicated that the residents have the responsibility to research and find out what is in the area where they are purchasing a home. The purchase of a home is substantial and it makes sense to do the research.

Senior Planner Kazi Haque provided an example of an individual upset about rail road crossing noise. Indicated that the staff is diligent in their review and deal with those issues up front. Would like to communicate more clearly so residents make informed decisions. Requested approval for

Commission's consideration.

Commissioner Tyler questioned the minimum number of employees in the control room.

Mr. Ole Solberg indicated one is the minimum but generally two. Stated that there are three employees on site at the Plant at most any time.

Commissioner Houghton questioned if there would be any noise or odor associated with the CO-2 plant.

Senior Planner Kazi Haque indicated that the Ethanol Plant's noise study is currently being revised. The City is reviewing those reports and the CO-2 Plant will piggy back on those reports. Indicated that the Ethanol Plant and the CO-2 Plant are working together on those issues. Pointed out that stipulation 20 & 21 on page 8 looks at the actions to be taken in case of an unauthorized discharge or other releases from the Plant. The applicant must also submit the resume of the site safety manager to the City of Maricopa for review. Indicated that accidents will happen but the Staff is taking all of this into consideration. The noise study will also be brought for review as they move forward with the final CFO.

Commissioner Houghton questioned if they exceed the noise standards, it would then be up to the Developer to meet an acceptable noise level.

Senior Planner Kazi Haque confirmed.

Commissioner Griffin questioned the license agreement on pg 8; not signed by licensor.

Senior Planner Kazi Haque clarified that all signature were in compliance.

Commissioner Griffin questioned Exhibit C, Tab 3; Reliance Council letter. Questioned if it was something that the City of Maricopa Council was satisfied with.

Senior Planner Kazi Haque clarified the letter within the packet that was received from Reliance. The City of Maricopa Planning Director Amy Haberbosch sent a memo regarding certain items, and the letter in question was

	<p>Reliance Council's reply.</p> <p>Commissioner Jones moved to approve IUP07-02 Morrison-Maierle Inc application for Industrial Use Permit and Site Plan; IUP7-02 and SPR07-11 subject to stipulations in the report dated January 28, 2008. Commissioner Tyler seconded the motion. Motion passed unanimously 5-0.</p>
<p><b>Agenda Item 7.0: Report from Commission and/or Staff</b></p>	<p>Commissioner Jones indicated his upcoming attendance in the Pinal Planning Commissioner's Seminar.</p> <p>Chair Griffin questioned the progress of a joint meeting with City Council.</p> <p>Planning Director Amy Haberbosch indicated that the new City Manager would like to meet with Commission and a meeting will follow.</p> <p>Chair Griffin questioned the possibility of an Annexation tour; touring the area in regards to size and surrounding area.</p> <p>Commissioner Jones questioned if it (the Annexation area) was narrowed down.</p> <p>Chair Griffin indicated that it had been revised.</p> <p>Planning Director Amy Haberbosch announced the upcoming Annexation meeting to be held at Pima Butte Elementary on Wednesday January 30th at 7:00 pm and Saturday, February 2nd at 1:00 pm. Announced the Redevelopment meeting at Global Water tomorrow (February 29th) at 6 pm.</p> <p>Chair Griffin questioned a tour with Commission, Staff in addition to a discussion.</p> <p>Planning Director Amy Haberbosch indicated that this can be met at the next meeting scheduled.</p> <p>Chair Griffin questioned the access to the City e-mail and the possibility of forwarding correspondence to her</p>

	<p>personal e-mail address.</p> <p>Management Assistant Paul Jepson discussed resolving the issue and having a private meeting with Commission Chair Griffin regarding e-mail access.</p> <p>Chair Griffin requested a phone call for urgent matters.</p>
<b>Agenda Item 8.0: Executive Session</b>	The Commission did not go into Executive Session.
<b>Agenda Item 9.0: Adjournment</b>  <b>6:40 p.m.</b>	<p>Commissioner Houghton made a motion to adjourn the meeting at 6:40 pm. Commissioner Jones seconded. Motion passed unanimously, 6-0.</p> <p>The meeting was adjourned at 6:40pm.</p>
<p><i>I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Maricopa Planning and Zoning Commission held on the 28th day of January, 2008. I further certify that the meeting was duly called and held and that a quorum was present. Dated this 28th day of January, 2008.</i></p> <p>_____  <i>Julia Gusse, Secretary, Planning and Zoning Commission</i></p>	